



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

April 20, 2005

Robert Cox
9324 S Badger Canyon Rd
Benton City WA 99320-8521

Re: Emergency Drought Permit No. G4-34973

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology (Ecology) has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing perennial crops (such as orchard crops, grapes, hops, etc.) where the loss of irrigation water would permanently damage the crops. Through the use of emergency supplemental wells, Ecology is authorizing up to 80% of the usual irrigation water supply delivered by the irrigation districts. In a normal year, Kennewick Irrigation District (KID) is prepared to deliver 3.5 acre feet of water per acre. 80% of 3.5 acre-feet is 2.8 acre-feet. KID is expected to deliver approximately 1.8 acre-feet of water. This authorization will allow an additional 1.0 acre-foot of water per acre.

This authorization is subject to the following limitations and provisions:

This authorization is for a proposed new well located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T. 8 N., R. 28 E.W.M.

The instantaneous quantity of water to be withdrawn is limited to 350 gallons per minute based upon the instantaneous quantity requested by the applicant.

A total of 60 acre-feet of water is authorized under this emergency permit for the supplemental irrigation of 60 acres.

The place of use is described as follows:

Parcel No. 107881000002000.

That portion of the N $\frac{1}{2}$ of Section 7, T. 8 N., R. 28 E.W.M. lying E of the Northern Pacific Railroad and W of Badger East lateral EXCEPT the W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and EXCEPT the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and right of way.

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The proposed well shall be constructed to meet minimum standards and comply with the following:

- (a) The well shall be constructed with unperforated casing to a minimum depth of 250 feet.
- (b) Installation of an airline and an access port for water level measurement is required.
- (c) If the well is completed into basalt bedrock as its primary water source, then the applicant shall require the driller to collect and retain drill cuttings for Ecology to submit for laboratory analysis as follows:
 - The driller shall collect and retain basalt chip samples starting with the first basalt encountered and every 20 feet thereafter and at significant changes in lithology. The depth each sample is taken from shall be recorded with the sample. Gross sample size should be large enough to provide a net minimum of sixteen (16) ounces of dry, clean, washed basalt chips from each sample. Staff from Ecology will pick up the samples during and/or at the conclusion of drilling and may arrange for X-ray Fluorescence Analysis. As soon as the drilling schedule is established, the applicant shall notify Anna Hoselton (509) 454-7887 or Ron Dixon (509) 454-7897 at the Department of Ecology, Yakima, WA, to go over any questions and arrange for site access by Ecology staff.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

The new well shall be constructed by August 1, 2005. If the new well is not completed by August 1, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, this emergency permit will be cancelled.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2005.

This Order may be appealed pursuant to Chapter 43.21B RCW. Any person wishing to appeal this Order must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this Order**. Send the appeal to: Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resources Appeals Coordinator, PO Box 47600, Olympia, Washington 98504-7600.

Sincerely,



Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office

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Enclosures: Flow Meter Requirements
Your Right To Be Heard

cc: Carroll Palmer, Director, Natural Resources Division, Yakama Nation
Curt Hart, Water Resources Program, HQ